



IN THE U.S. PATENT AND TRADEMARK OFFICE

Appl. No.: 10/043,926
Applicant: Timo Rantalainen
Filed: January 11, 2002
TC/AU: 2617
Examiner: Doan, Kiet M.
Docket No.: 863.0011.U1(US)
Customer No. : 29683

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF

Sir:

Commensurate with the EXAMINER'S ANSWER dated November 15, 2007, Applicant/Appellant hereby submits this REPLY BRIEF to the Board of Patent Appeals and Interferences (hereinafter, the Board) under 37 C.F.R. 41.41 and M.P.E.P. § 1208 in triplicate. Applicant believes that no fee is due with this paper. However, should the undersigned attorney be mistaken, please debit Deposit Account No. 50-1924 as appropriate for any fee that may be due, and if necessary, consider this a petition for an extension of time under 37 C.F.R. § 1.136(a) that may be required to effect entry of this Reply Brief.

REMARKS:

Respecting Issue A: The Examiner has disagreed with an argument of Issue A as stated in the Appellant's Appeal Brief. Issue A and a clause from claim 1 are reproduced below from the Appeal Brief. The clause of claim 1 is submitted as representative of the relevant clause in independent claims 1 and 15.

Issue A: Does Demetrescu, alone or in combination with Ida, teach or suggest upon an occurrence of a RR procedure, determining if a location procedure is ongoing in the mobile station as recited in claims 1 and 15?

Relevant clause from claim 1: upon an occurrence of a RR procedure, including HO and CRS, that affects the mobile station, determining if a location procedure is ongoing in the mobile station;

The Examiner's Answer as quoted above indicates the Examiner's position is that the mere mention of a "handoff" is sufficient to suggest an actual determination that a location procedure is ongoing in the mobile station, as stated above. Specifically, the Examiner's Answer asserts at page 8 that "**The handoff [in Demetrescu] itself constitutes determining if a location procedure is ongoing.**" (emphasis in original). From the portion of the Appeal Brief concerning Issue A, clearly the Appellant's position is that the claim term "determining if a location procedure is ongoing" as recited above requires that there is an actual determination that a location procedure is ongoing in the mobile station.

Firstly, the Applicant notes that the Examiner appears to use Demetrescu's handoff to read on **both the claimed RR procedure and the claimed location procedure**. By those lights the result would then be:

"... upon an occurrence of a ~~RR procedure, including HO and CRS~~ Demetrescu's handoff procedure that affects the mobile station, determining if a ~~location procedure~~ Demetrescu's handoff procedure is ongoing in the mobile station..."

It appears the Examiner conflates two claim elements into one element of Demetrescu. The Appellant contends that as the above resulting rendition of claim 1 is clearly nonsensical it cannot be sustained.

Furthermore, the Appellant contends that the Examiner's assertion, that "**The handoff [in Demetrescu] itself constitutes determining if a location procedure is ongoing,**" is clearly unsupported by Demetrescu. The portion of Demetrescu as cited by the Examiner in the Examiners Answer states "The mobile reports back the measurements to the network [and] The network then decides that a handover should take place for the given mobile based on network specific handover criteria," (col. 3, lines 42-45). The Appellant contends that neither the measurements reported to the network nor the specific handover criteria can be seen as disclosing or suggesting "determining if a location procedure is ongoing in the mobile station" as in claim 1. Further, as argued by the Appellant in the Appeal Brief "there is no mention of a location procedure [and] A text search of Demetrescu et al. similarly reveals no instances of the word "location", "position", or other verbiage indicative of geographic location." Moreover, the Appellant contends that Demetrescu fails to disclose or suggest any means or method which could be used to determine if a location procedure is ongoing in a mobile station. The Appellant contends

that the Examiner is clearly mistaken when the Examiner states "The handoff [in Demetrescu] itself constitutes determining if a location procedure is ongoing."

Moreover, the Appellant submits that contrary to the Examiner's assertion, as stated above, "signal strength" is a sufficient reason to perform a handoff. It is noted that Demetrescu discloses monitoring signal strength and comparing the monitored level with a reference level and when warranted generating a package cell change request, (col. 4, lines 7-21). Further, the Appellant contends that one skilled in the art would understand that "signal strength" can be effected due to a variety of different reasons which do not relate to "determining if a location procedure is ongoing." The Appellant contends that for at least the reasons stated and the reason that Demetrescu appears to at least use "signal strength" in order to generate a package cell change request, the assertion in the Examiner's Answer as stated above must fail. Further, the Appellant also relies on arguments made in the Appeal Brief for all claims including claims 1, 15, and 29.

Respecting Issue B: Applicant relies on the arguments made in the Appeal Brief, and no further comment is deemed necessary concerning Issue B.

Respecting Issue C: Applicant relies on the arguments made in the Appeal Brief, and no further comment is deemed necessary concerning Issue C.

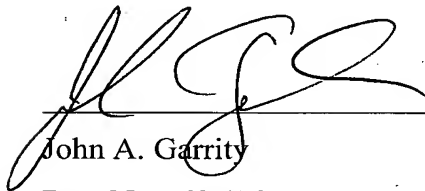
Respecting Issue D: Applicant relies on the arguments made in the Appeal Brief, and no further comment is deemed necessary concerning Issue D.

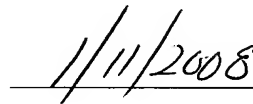
Respecting Issue E: Applicant relies on the arguments made in the Appeal Brief, and no further comment is deemed necessary concerning Issue E.

Respecting Issue F: Applicant relies on the arguments made in the Appeal Brief, and no further comment is deemed necessary concerning Issue F.

For at least the above reasons, the Applicant/Appellant respectfully requests the Board of Patent Appeals to reverse the final rejection of claims 1-29, and rule that the pending claims are patentable over the references that were cited and relied upon by the Examiner.

Respectfully submitted:



John A. Garrity

Date

Reg. No.: 60,470
Customer No.: 29683
HARRINGTON & SMITH, PC
4 Research Drive
Shelton, CT 06484-6212
Telephone: (203)925-9400
Facsimile: (203)944-0245
email: jgarrity@hspatent.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

Appl. No. 10/043,926
Reply Brief dated January 11, 2008
Reply to Examiner's Answer dated November 15, 2007

1/11/2008
Date

Clair F. Mian
Name of Person Making Deposit

